AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 2. This replacement sheet replaces the original sheet filed with the application.

Attachment: Replacement Sheet for Fig. 2

REMARKS

Status Of Application

Claims 1-14 are pending in the application; the status of the claims is as follows:

Claims 1, 5, 6, 10, and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,008 to Lee ("Lee Patent").

Claims 2-5, 7-9, and 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,974,008 to Lee ("Lee Patent").

Objection to the Title

The objection to the title of the invention as not being descriptive is noted and a new title is presented in this Amendment which is clearly indicative of the invention to which the claims are directed. While the Applicant appreciates the title suggested by the Examiner, the Applicant believes that the suggested title is unduly limiting. Specifically, the use of the word "CD" suggests a limitation not found in the claims. Thus, Applicant has replaced the word "CD" with "MEDIA," better reflecting the scope of the invention. Support for the use of the word "MEDIA" may be found throughout the specification, for example at the second sentence of paragraph 0001. Except for this one modification, Applicant has accepted the remainder of the Examiner's suggested title.

Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claim Amendments

Claim 1 has been amended to include some of the limitations of claim 2. This change does not introduce any new matter.

Claim 2 has been amended to agree with newly amended claim 1.

Claim 3 has been amended to depend from newly amended claim 1 rather than claim 2.

Claim 5 has been amended to agree with newly amended paragraphs 0019 and 0020 of the specification. This change does not introduce any new matter.

35 U.S.C. § 102(b) Rejection

The rejection of claims 1, 5, 6, 10, and 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,008 to Lee ("Lee Patent"), is respectfully traversed based on the following.

With regard to claim 1, the claim has been amended to include limitations found in claim 2. As discussed below, Applicant believes that the Examiner's rejection of claim 2 under 35 USC §103(a) was improper. Thus, the addition of limitations from claim 2 to claim 1 is believed to place claim 1 in condition for allowance. Withdrawal of the rejection under 35 U.S.C. §102(b) is therefore requested.

With regard to claim 5, Applicant suspects that the Examiner may have issued a rejection of this claim under §102(b) in error as there is no discussion of claim 5 in the §102(b) section of the Office Action. In the event that the §102(b) rejection of claim 5 was not an error, Applicant suspects that the Examiner may have failed to appreciate all of the elements present in that claim. In particular, in association with reading and storing data associated with a CD, claim 5 as originally written recited "reading said identification number only when a user activates a selection switch corresponding to a CD currently being played." As amended, claim 5 recites "storing said last-play position only when a user activates a selection switch corresponding to a CD currently being played." Neither form of this limitation is found within Lee. Accordingly Lee can not be used as a grounds for rejection of this claim under §102(b), *Cornel v. Sears, Roebuck & Co.*, 722 F.2d 1542

(Fed. Cir. 1983). Applicant requests that the Examiner reconsider and withdraw the rejection of claim 5.

With regard to claim 6, that claim includes the limitation that an identification number is to be generated "as a function of data on the CD." This element is not disclosed within Lee. Therefore, Lee fails to disclose all of the elements of claim 6, and accordingly Lee can not be used as a grounds for rejection of this claim under §102(b). *Cornel v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983). Applicant requests that the Examiner reconsider and withdraw the rejection of claim 6.

With regard to claim 10, the claim specifically recites the use of a "non-volatile memory unit." Lee is silent as to the form of its "storage unit." Thus, Lee fails to disclose all of the elements of claim 10, and accordingly Lee can not be used as a grounds for rejection of this claim under §102(b), *Cornel v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983). Applicant requests that the Examiner reconsider and withdraw the rejection of claim 10.

With regard to claim 11, the Examiner appears to have misunderstood at least a portion of that claim. Specifically, claim 11 recites that "said identification number is generated as a function of data stored on the recorded media in said media player." The Examiner's statement that "Lee show the disk ID is stored in media player" is irrelevant. Claim 11 is directed to the generation of disk identification as a function of data stored on the recorded media, not to where such data is stored. Lee is silent as to the generation of disk identification. Thus, Lee fails to disclose all of the elements of claim 11, and accordingly Lee can not be used as a grounds for rejection of this claim under §102(b), *Cornel v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983). Applicant requests that the Examiner reconsider and withdraw the rejection of claim 11.

Accordingly, it is respectfully requested that the rejection of claims 1, 5, 6, 10, and 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,974,008 to Lee ("Lee Patent"), be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claims 2-5, 7-9, and 12-14 under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,974,008 to Lee ("Lee Patent"), is respectfully traversed based on the following.

With regards to claims previously presented claim 2 and claims 3, 4, 8, 9, and 12 – 14, these claims all recite various ways in which a disk identification may be generated. The Examiner broadly states that "to identify a disk before recording or reproducing process are old and widely used in the art. . . . " Office action, paragraph 7. However, the Office Action fails to set forth any basis for the Examiner's assertion. The Patent Office is required to provide support for such assertions, which it has not done. See *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985) ("To support the conclusion that the claimed combination is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references."). Here the Office Action fails to provide any support for the assertion that it was known generate disk identification information from data stored on the recorded media, or more specifically: from a total number of recorded tracks and total playing time (claims 2, 8, and 12); from the total playing time multiplied by a constant and added to the total number of tracks (claims 3, 9, and 13); or from the total playing time multiplied by 5 added to the total number of tracks (claims 4 and 14). Because the Examiner has failed to provide references which teach all of the limitations of these claims, the claims can not be obvious over the prior art. *Application of Glass*, 472 F.2d 1388, 1392 (C.C.P.A. 1973). Accordingly, it is respectfully requested that the rejection of claims 2-4, 8-9, and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,974,008 to Lee ("Lee Patent"), be reconsidered and withdrawn.

With regard to claim 5, the Examiner has failed to appreciate one of the limitations of that claim, specifically that in association with storing last-play information, claim 5 (as

amended) recites "storing said last-play position only when a user activates a selection switch corresponding to a CD currently being played." There is no discussion in Lee of when last-play position will be stored. Rather, last-play position appears to be stored for every volume automatically. In contrast, claim 5, and paragraphs 0019 and 0020 of the specification are clear that before a last-play position will be stored, the user must request that it be saved. Lee does not disclose this limitation, and thus the Examiner has failed to make a *prima facie* case of obviousness and the rejection of claim 5 under 35 USC §103 is improper.

With regard to claim 7, again, the Examiner has apparently failed to appreciate the limitations included in that claim. The claim clearly recites a method including the step of monitoring the status of a selection switch and setting a flag to a preselected state in the player whenever the corresponding switch is actuated. The Examiner states a "selecting switch" is inherent in disclosure of Lee, however, such a switch is not disclosed in Lee, and the unfounded assertion that it is inherent is insufficient to support a rejection. It is not sufficient that an element is possibly or probably present. *In re Robertson*, 169 F.3d 743 (Fed. Cir. 1999). Without a showing that all of the claimed elements are present in Lee, the Examiner has failed to make a *prima facie* case of obviousness and the rejection of claim 5 under 35 USC §103 is improper.

Furthermore, assuming that a switch is present in Lee, there is no suggestion that such a switch would anticipate the claimed switch or step. Specifically, as amended, claim 7 states that a last-played disk position address is generated and stored only when a flag is set to a preselected state and that the preselected state is created only by the actuation of the switch. There is no teaching in Lee that disk position is to be generated and stored only upon actuation of a switch. Rather, Lee appears to suggest that the generation of disk position is automatic.

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Accordingly, it is respectfully requested that the rejection of claims 2-5, 7-9, and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,974,008 to Lee ("Lee Patent"), be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited. The Examiner is cordially invited to telephone the undersigned for any reason which would help advance the instant application to allowance.

Applicants believe no fees are due as a result of filing this paper. However, the Commissioner is authorized to charge any deficiency or credit any overpayment associated with this paper to Deposit Account No. 03-1800.

Respectfully submitted,

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